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EXAMINER

JACKSON, JAKIEDA R

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| ART UNIT | PAPER NUMBER |
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2626

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------|-------------------------------------|--|
| Office Action Summary | Application No. 10/030,325 | Applicant(s) JACQUEZ, GEOFFREY M | |
| | Examiner Jakieda R. Jackson | Art Unit 2626 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 May 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4 and 6-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4 and 6-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. In response to the Office Action mailed April 16, 2007, applicant submitted an amendment filed on May 4, 2007, in which the applicant amended and requested reconsideration with respect to **claim 1**.

Response to Arguments

2. Applicant argues that Horvitz et al. and Noyes does not teach a method for submitting a natural language response in the form of a complete sentence. Applicant arguments are persuasive, but are in moot in view of new grounds of rejection.

Additionally, Applicant argues that Noyes does not disclose or suggest a help program that is used in conjunction with a computer software program, but rather is directed solely towards information recognition, storage and user patterns. However, in response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Horvitz teaches an intelligent user assistance facility that autonomously senses that the user may need assistance in using a particular feature or to accomplish a specific task. Noyes was used in combination with Horvitz and therefore Applicants arguments are not persuasive.

Additionally, Thomson fails to suggest formulating a response by integrating a natural language input from the user with specific user data from the linked user

Art Unit: 2626

database and data from the knowledge database. Thomson does not access specific user data regarding past interactions with the help software program from a user data regarding past interactions with the help software program from a user database.

Therefore, a natural language response in the form of a complete sentence is never contemplated by Thomson. However, as pointed out, Applicant arguments regarding a natural language response in the form of a complete sentence are persuasive, but are moot in view of new grounds of rejections.

Additionally, it is not clear to the Applicant whether the system disclosed by Dekelbaum et al. actually presents a truly seamless appearance to the user, as the user is required to first contact the sales representative who then essentially commandeers the home page on the user's computer screen. This hardly seems like a seamless transaction from the user's viewpoint. However, if the operator is interrogating the database instead of the user, it makes less work for the user, which makes it appears seamless to the user.

Additionally, it not clear whether the system disclosed by Johnson et al. actually discloses a pricing plan in conjunction with a help program per se. The pricing criteria seem to be specific to a conventional telephone system and there is not mention of the pricing criteria applying to a computer help program. However, in response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). As pointed

out previously, Horvitz teaches an intelligent user assistance facility that autonomously senses that the user may need assistance in using a particular feature or to accomplish a specific task. Johnson was used in combination with Horvitz and therefore Applicants arguments are not persuasive.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1-2, 6-11 and 13-14** are rejected under 35 U.S.C. 103(a) as being unpatentable over Horvitz et al. (USPN 6,021,403), hereinafter referenced as Horvitz in view of Noyes (USPN 5,379,366) and in further view of Cox, Jr. (USPN 5,685,00).

Regarding **claim 1**, Horvitz discloses a method for utilizing a help software program having a plurality of user databases and a knowledge database, said method comprising the steps of:

identifying the user (profile system; column 6, lines 1-34 and column 17, lines 29-45),

obtaining an identification code of the identified user (column 17, lines 29-45),

searching the user databases to link the identification code with one of the user databases (column 17, lines 29-45),

Art Unit: 2626

accessing specific user data from the linked user database that has been generated as a result of at least one previous interaction between the identified user and the help software program and that is specifically related to the identified user from the linked user database (column 2, lines 61-66 and column 20, lines 15-45),

receiving a user's natural language input (free-text query; column 11, lines 14-30),

interpreting the natural language input (natural language query; column 23, lines 48-64),

formulating a response by integrating the natural language input from the user with specific user data from the linked user database and data from the knowledge database (column 2, lines 61-66 and column 20, lines 15-45),

submitting the response to the user (respond to requests; column 22, lines 55-67),

updating the linked user database with the natural language input and response whereby future responses may refer to the updated linked user database for the identified user (update; column 6, lines 1-34 and column 7, lines 17-47 with column 20, lines 15-45),

the help program working in conjunction with a computer related application for interacting with a user in a natural language format when the user requires assistance in relation to the computer related application (column 2, lines 61-66 and column 6, lines 1-34); and

formatting the response being further defined as uniquely molding the response to the identified user based upon the specific user data from the linked user database (column 17, lines 29-45), but does not specifically a natural language simulator wherein the response in the form of a complete sentence.

Noyes discloses a method for representation of knowledge in a computer as a network database system further including the step of utilizing a natural language simulator to parse the natural language input (figure 34, element d) before the step of interpreting the natural language input (figure 34, element e; column 43, lines 4-13 and lines 34-46), to evaluate the input structures recognized by the parsers.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Horvitz's method wherein includes the step of utilizing a natural language simulator to parse the natural language input before the step of interpreting the natural language input, to optimize the search paths required to respond to the input expression (column 42, lines 65-68), as taught by Noyes.

Horvitz in view of Noyes discloses a method for utilizing a help program software, but does not specifically teach a method wherein the submitting of the response is further defined as submitting a natural language response to interact with the user in a completely natural language conversation.

Cox discloses a method for utilizing a help program software, but does not specifically teach a method wherein the submitting of the response is further defined as submitting a natural language response to interact with the user in a completely natural

Art Unit: 2626

language conversation (column 5, line 55 – column 6, line 35), to perform a desired task.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Horvitz in view of Noyes method wherein the submitting of the response is further defined as submitting a natural language response to interact with the user in a completely natural language conversation, as taught by Cox, to provide the perception of a linguistically competent dialog (column 1, lines 31-41).

Regarding **claim 4**, Horvitz discloses a method for representation of knowledge in a computer as a network database system further including recording and storing the natural language conversation between the user and the help program in the linked user database (storing information in the database; column 12, lines 51-63 and column 17, lines 29-45).

Regarding **claim 6**, Horvitz discloses a method wherein the uniquely molded response is further defined as guiding the identified user to a predetermined result based upon the particular computer application (column 18, lines 20-38).

Regarding **claim 7**, Horvitz discloses a method wherein the guiding of the identified user is further defined as assessing the current input by the user against the predetermined result to further mold future responses to the user in order to direct the user toward the desired result (column 7, line 48 – column 8, line 55).

Regarding **claim 8**, Horvitz discloses the method further including the step of determining the type of computer related application chosen by the identified user in order to further mold the responses to the user (column 1, lines 14-35).

Regarding **claim 9**, Horvitz discloses the method further including the step of accessing specific information about the chosen computer related application and incorporating this information into the response to the user (column 1, lines 14-35).

Regarding **claim 10**, Horvitz discloses the method wherein the accessing of the specific user data for identified user is further defined accessing previous inputs and responses for the identified user (column 17, lines 29-45).

Regarding **claim 11**, Horvitz discloses the method wherein the accessing of the specific user data for the identified user is further defined as accessing commercial transaction history for the identified user (history information; column 8, lines 44-55 and column 17, lines 29-45).

Regarding **claim 13**, Horvitz discloses a method wherein the help program further includes a trainer and the method further comprises the step of interacting the trainer with the help program to continually update and maintain the knowledge database (update; column 9, lines 2-12 and column 7, lines 17-47 with column 17, lines 29-45).

Regarding **claim 14**, Horvitz discloses a method wherein the step of interacting the trainer with the help program is further defined as initiating the trainer to populate, update (update) and monitor (monitor) the knowledge database (column 6, lines 1-34).

Art Unit: 2626

5. **Claim 12** is rejected under 35 U.S.C. 103(a) as being unpatentable over Horvitz in view of Noyes and Cox and in further view of Thomson (USPN 5,634,051).

Regarding **claim 12**, Horvitz in view of Noyes and Cox disclose a method for utilizing a help software program, but does not specifically teach a method further including a step of accessing a product database, compiling information from the product database, and determining if any of the compiled information should be forwarded to the identified user with the response.

Thomson discloses the method further including the step of accessing a product database, compiling information from the product database, and determining if any of the compiled information should be forwarded to the identified user with the response (column 4, lines 21-29 and column 8, line 58 – column 10, line 30), to save time for the user.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Horvitz in view of Noyes and Cox's method wherein it includes the step of accessing a product database, compiling information from the product database, and determining if any of the compiled information should be forwarded to the identified user with the response, as taught by Thomson, to save time for the user and to report the results in a manner that is uniquely relevant to him or her (column 9, lines 33-40).

6. **Claim 15** is rejected under 35 U.S.C. 103(a) as being unpatentable over Horvitz in view of Noyes and Cox and in further view of Dekelbaum et al. (USPN 5,838,682), hereinafter referenced in view of Dekelbaum.

Regarding **claim 15**, Horvitz in view of Noyes and Cox disclose a method for utilizing help software, but does not specifically include the step of determining the need for human intervention and accessing human intervention in a natural language format such the interaction with the help program and a human representative appears seamless to the user.

Dekelbaum discloses a method and apparatus for establishing communications including the step of determining the need for human intervention and accessing human intervention in a natural language format such the interaction with the help program and a human representative appears seamless to the user (operator interrogates the database; column 15, lines 17-34), to supplement customer transmission.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Horivitz in view of Noyes and Cox's method such that it includes the step of determining the need for human intervention and accessing human intervention in a natural language format such the interaction with the help program and a human representative appears seamless to the user, to provide information corresponding to session history (column 15, lines 17-24), as taught by Dekelbaum.

7. **Claim 16** is rejected under 35 U.S.C. 103(a) as being unpatentable over Horvitz in view of Noyes and Cox and in further view of Johnson et al. (USPN 5,978,455), hereinafter referenced Johnson.

Regarding **claim 16**, Horvitz in view of Noyes and Cox disclose a method for utilizing help software, but does not specifically include the step of formulating a pricing plan for the help program based upon the amount of time the user engaged in conversation with the help program.

Johnson discloses a method and system for determining call periods further including the step of formulating a pricing plan for the help program based upon the amount of time the user engaged in conversation with the help program (figure 3 with column 6, lines 41-51), to access billing rate information.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Horvitz in view of Noyes and Cox's method such that it further includes including the step of formulating a pricing plan for the help program based upon the amount of time the user engaged in conversation with the help program, to access billing rate information to decide on a more optimal period, as taught by Johnson (column 6, lines 41-59).

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Schultz (USPN 6,208,988) discloses a method for identifying themes associated with a search query.
- Morin et al. (USPN 5,748,841) disclose a supervised contextual language acquisition system.


9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jakieda R. Jackson whose telephone number is 571-272-7619. The examiner can normally be reached on Monday, Tuesday and Thursday 7:30 a.m. to 5:00p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on 571-272-7843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2626

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JRJ
July 17, 2007



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